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HOUSE BILL 101

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO JUVENILE JUSTICE; EXPANDING THE TIME PERIOD FOR
DIAGNOSTIC EVALUATIONS OF DELINQUENT OFFENDERS; AMENDING A
SECTION OF THE CHILDREN' S CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 32A-2-17 NMSA 1978 (being Laws 1993,
Chapter 77, Section 46, as amended) is amended to read:

"32A-2-17. PREDISPOSITION STUDIES- -REPORTS AND
EXAMINATIONS. - -

A. After a petition has been filed and either a
finding with respect to the allegations of the petition has
been made or a notice of intent to admit the allegations of
the petition has been filed, the court may direct that a
predisposition study and report to the court be made in
writing by the department or an appropriate agency designated

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1 by the court concerning the child, the family of the child,
2 the environment of the child and any other matters relevant to
3 the need for treatment or to appropriate disposition of the
4 case. The following predisposition reports shall be provided
5 to the parties and the court five days before actual
6 disposition or sentencing:

7 (1) the adult probation and parole division
8 of the corrections department shall prepare a predisposition
9 report for serious youthful offenders;

10 (2) the department shall prepare a
11 predisposition report for serious youthful offenders who are
12 convicted of an offense other than first degree murder;

13 (3) the department shall prepare a
14 predisposition report for youthful offenders concerning the
15 youthful offender's amenability to treatment and if:

16 (a) the court determines that a
17 juvenile disposition is appropriate, the department shall
18 prepare a subsequent predisposition report; or

19 (b) the court makes the findings
20 necessary to impose an adult sentence pursuant to Section
21 32A-2-20 NMSA 1978, the adult probation and parole division of
22 the corrections department shall prepare a subsequent
23 predisposition report; and

24 (4) the department shall prepare a
25 predisposition report for delinquent offenders, upon the

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1 court's request.

2 B. Where there are indications that the child may
3 be mentally disordered or developmentally disabled, the court,
4 on motion by the children's court attorney or that of counsel
5 for the child, may order the child to be examined at a
6 suitable place by a physician, a licensed psychologist or a
7 licensed, independent social worker prior to a hearing on the
8 merits of the petition. An examination made prior to the
9 hearing or as a part of the predisposition study and report
10 shall be conducted on an outpatient basis, unless the court
11 finds that placement in a hospital or other appropriate
12 facility is necessary.

13 C. The court, after a hearing, may order
14 examination by a physician, a licensed psychologist or a
15 licensed, independent social worker of a parent or custodian
16 whose ability to care for or supervise a child is an issue
17 before the court.

18 D. The court may order that a child adjudicated as
19 a delinquent child be transferred to the facility designated
20 by the secretary of the department for a period of not more
21 than [~~fifteen~~] sixty days within a three hundred sixty-five
22 day time period for purposes of diagnosis, with direction that
23 the court be given a report indicating what disposition
24 appears most suitable when the interests of the child and the
25 public are considered.

